

No. 5074.

An Act to postpone the time for taking the Poll on a Proposal to adopt Rating on Unimproved Values in the City of Moorabbin, and for other purposes connected therewith.

[11th September, 1945.]

WHEREAS on the twenty-seventh day of January One thousand nine hundred and forty-four pursuant to sub-section (1) of section three hundred and sixteen of the *Local Government Act 1928* a demand that a proposal to adopt Part XI. of the *Local Government Act 1928* be submitted to a poll of the ratepayers was delivered at the office of the council of the city of Moorabbin :

Preamble

No. 3720 s.
316 (1).

Ib. Part XI.

And whereas, by reason, *inter alia*, of shortage of staff and difficulty in obtaining a satisfactory valuation, the council failed to cause a provisional valuation of rateable property to be made within the due time therefor and failed to take the poll on the due date :

And whereas it is expedient that the hereinbefore recited demand should be saved in full force and effect, that the council should be saved from any liability

by

by reason of its failure to cause the said valuation to be made and to take the said poll, that the time for the taking of the said poll should be postponed until the day and the time for the annual election of councillors in the year One thousand nine hundred and forty-six, and that the times for giving notice of the poll and for making the provisional valuation and for doing the other acts matters and things preliminary to the taking of the poll should be correspondingly postponed:

Be it therefore enacted by the King's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):—

Short title
and
construction.
No. 3720
Part. XI.

1. This Act may be cited as the *Moorabbin (Unimproved Rating Poll) Act 1945* and shall be read and construed as one with Part XI. of the *Local Government Act 1928* and any Act or enactment amending the said Part.

Saving of
validity and
effect of
demand for
poll.

2. The hereinbefore recited demand of the twenty-seventh day of January One thousand nine hundred and forty-four and the delivery thereof and any deposit made in connexion therewith shall, notwithstanding the failure to act in compliance therewith at the due time, be valid and effectual for all the purposes of the *Local Government Act 1928* and this Act.

Saving of
council from
liability.

3. Neither the council nor any member of the council of the city of Moorabbin shall be in any way liable by reason of the council's failure before the commencement of this Act to cause a provisional valuation of rateable properties to be made pursuant to the said demand or to take the poll thereon on the due date therefor.

Postponement
of poll
until 1946.

4. (1) The time for the taking of the poll consequent upon the hereinbefore recited demand shall be postponed until the day and the time for the annual election of councillors of the city of Moorabbin in the year One thousand nine hundred and forty-six.

Corresponding
postponement
of notice
of poll and
valuation.
No. 3720
s. 316.

(2) The time for the publication of the notice required by sub-section (2) of section three hundred and sixteen of the *Local Government Act 1928* and the beginning of the provisional valuation required by the said sub-section shall

be

be postponed until not more than twelve months nor less than six months before the day to which the taking of the poll is postponed.

(3) The times for the doing of all other acts matters and things preliminary to the taking of the poll shall be postponed until the appropriate days times and periods before the day and time to which the taking of the poll is postponed.

Corresponding postponement of other matters preliminary to poll.

5. Save as is otherwise expressly provided in this Act the provisions of the *Local Government Act 1928* as amended by any Act shall apply to and in respect of the taking of the poll postponed by the operation of this Act and in respect of the result of such poll in the same manner in all respects as they apply in the case of polls taken in the ordinary course.

Application of No. 3720 to postponed poll.

6. Nothing in this Act shall be construed as preventing the abandonment or the withdrawal of the demand in any circumstances in which such demand might have been abandoned or withdrawn apart from the provisions of this Act.

Saving as to abandonment or withdrawal.